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BY _____

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6 In Pro Per

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 JOE HAND PROMOTIONS, INC.

11 Plaintiff

13 v.

14 DUNG THI TRUONG and

15 CHIM RUNG, LLC d/b/a CHIM RUNG

16 Defendant(s).

CASE NUMBER:

SACV11-510 WDK (EX)

To be supplied by the Clerk of
The United States District Court

COMPLAINT

17
18 Plaintiff, Joe Hand Promotions, Inc., by and through its attorneys, as and for its
19 Complaint against the Defendants, Dung Thi Truong and Chim Rung, LLC d/b/a Chim
20 Rung, allege as follows:JURISDICTION AND VENUE21 1. This Court has subject matter jurisdiction under 28 U.S.C. §1331 (federal
22 questions), as this civil action is brought pursuant to 47 U.S.C. §553 and 605.23 2. This court has personal jurisdiction over the parties to this action as a result of
24 Defendants' wrongful acts, complained of herein, which violated Plaintiff's rights as the
25 exclusive domestic commercial distributor of the transmission signal of the fight Program as
26 hereinafter set forth in length. Defendants' wrongful acts consisted of the interception,
27 reception, publication, divulgence, display, exhibition and tortuous conversation of
28 Plaintiff's property, while said property was in the Plaintiff's control in the State of
California.

1 3. Upon information and belief, venue is proper in the Central District of
2 California, pursuant to 28 U.S. C. §1391(b) because, inter alia, all Defendants reside within
3 the State of California and/or a substantial part of the events or omissions giving rise to the
4 claim occurred in this District.

5 **THE PARTIES**

6 4. The Plaintiff, Joe Hand Promotions, Inc., is a Pennsylvania corporation with its
7 principal place of business located at 407 East Pennsylvania Avenue, Feasterville,
8 Pennsylvania 19053.

9 5. Upon information and belief, Defendant, DUNG THI TRUONG, resides in the
10 State of California.

11 6. Upon information and belief, Defendant, DUNG THI TRUONG, is an officer,
12 director, shareholder and/or principal of CHIM RUNG, LLC d/b/a CHIM RUNG.

13 7. Upon information and belief, Defendant, DUNG THI TRUONG, was the
14 individual with supervisory capacity and control over the activities occurring within the
15 establishment on November 21, 2009.

16 8. Upon information and belief, Defendant, DUNG THI TRUONG, received a
17 financial benefit from the operations of CHIM RUNG, LLC d/b/a CHIM RUNG, on
18 November 21, 2009.

19 9. Upon information and belief, Defendant, CHIM RUNG, LLC d/b/a CHIM
20 RUNG, is a business entity, the exact nature of which is unknown, having its principal place
21 of business at 16121 Harbor Boulevard, Fountain Valley, CA 92708.

22 10. Upon information and belief, Defendant, CHIM RUNG, LLC d/b/a CHIM
23 RUNG, is a Domestic Corporation, incorporated and licensed to do business in the State of
24 California.

25 11. Upon information and belief, Defendant, CHIM RUNG, LLC d/b/a CHIM
26 RUNG, is a partnership licensed to do business in the State of California.

27 12. Upon information and belief, Defendant, CHIM RUNG, LLC d/b/a CHIM
28 RUNG, is a sole proprietorship licensed to do business in the State of California.

COUNT I

VIOLATION OF TITLE 47 U.S.C. §605

13. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs "1" through "12", inclusive, as though set forth herein at length.

14. By contract, Plaintiff was granted the right to distribute the UFC 106: Ortiz v. Griffin 2 Broadcast, including all undercard bouts and the entire television broadcast, scheduled for November 21, 2009, (hereinafter referred to as the "Broadcast"), via closed circuit television and via encrypted satellite signal. The Broadcast originated via satellite uplink, and was subsequently re-transmitted to cable systems and satellite companies via satellite signal.

15. Pursuant to the contract, Plaintiff entered into subsequent agreements with various entities of the State of California, allowing them to publicly exhibit the Broadcast to their patrons.

16. In consideration of the aforementioned agreements, Plaintiff expended substantial monies to transmit the Broadcast to those entities in the State of California.

17. Upon information and belief, with full knowledge that the Broadcast was not to be received and exhibited by entities unauthorized to do so, Defendants and/or their agents, servants, workmen and/or employees unlawfully intercepted, received and/or de-scrambled said satellite signal, and did exhibit the Broadcast at the above-captioned address and/or addresses at the time of its transmission willfully and for purposes of direct or indirect commercial advantage or private financial gain.

18. Upon information and belief, Defendants and/or their agents, servants, workmen and/or employees used an illegal satellite receiver, intercepted Plaintiff's signal and/or used a device to intercept Plaintiff's Broadcast, which originated via satellite uplink and then re-transmitted via satellite or microwave signal to various cable and satellite systems. There are multiple illegal methods of accessing the Broadcast, including, (1) splicing an additional coaxial cable line or redirecting a wireless signal from an adjacent residence into a business establishment; (2) commercial establishments misusing cable or satellite by registering same as a resident when it is, in fact, a business; or (3) taking a lawfully obtained box or satellite receiver from a private residence into a business. In

1 addition, emerging technologies, such as broadband or internet broadcast, as well as
 2 "slingbox" technology (which allows a consumer to literally sling the Broadcast from his
 3 personal home cable or satellite systems into his computer), can allow commercial misuse
 4 of residential broadcasting feeds through the internet from anywhere in the world. Each of
 5 these methods would allow Defendants to access the Broadcast unlawfully. Prior to
 6 Discovery, Plaintiff is unable to determine the manner in which Defendants obtained the
 7 Broadcast. However, it is logical to conclude that Defendants, either used an illegal satellite
 8 receiver, misrepresented its business establishment as a residence, or removed an authorized
 9 residential receiver from one location to a different commercial location to intercept
 Plaintiff's Broadcast.

10 19. 47 U.S.C. §605 (a) prohibits the unauthorized reception and publication or use
 11 of communications such as the transmission herein, to which Plaintiff held the distribution
 12 rights.

13 20. By reason of the aforementioned conduct, Defendants herein willfully violated
 14 47 U.S.C. §605 (a).

15 21. By reason of Defendants' violation of 47 U.S.C. §605 (a), Plaintiff has a
 16 private right of action pursuant to 47 U.S.C. §605.

17 22. As a result of Defendants' willful violation of 47 U.S.C. §605 (a), Plaintiff is
 18 entitled to damages, in the discretion of this Court, under 47 U.S.C. §605 (e) (3) (C) (i) (II)
 19 and (ii), of up to the maximum amount of \$110,000.00 as to each Defendant herein.

20 23. Pursuant to 47 U.S.C. §605, Plaintiff is also entitled to an award of full costs,
 21 interest and reasonable attorney's fees.

22 COUNT II

23 VIOLATION OF TITLE 47 U.S.C. §553

24 24. Plaintiff hereby incorporates paragraphs "1" through "23", inclusive, as though
 fully set forth herein at length.

25 25. Upon information and belief, with full knowledge that the Broadcast was not to
 26 be received and exhibited by entities unauthorized to do so, Defendants and/or its agents,
 27 servants, workmen and or employees did exhibit the Broadcast at the above-captioned
 28

1 address or addresses at the time of its transmission willfully and for purposes of direct or
2 indirect commercial advantage or private financial gain.

3 26. 47 U.S.C. §553 prohibits the unauthorized reception, interception and
4 exhibition of any communications service offered over a cable system, such as the
5 transmission herein, to which Plaintiff had the distribution rights.

6 27. Upon information and belief, Defendants individually, willfully and illegally
7 intercepted said Broadcast when it was distributed and shown by cable television systems.

8 28. By reason of the aforementioned conduct, Defendants herein willfully violated
9 47 U.S.C. §553, thereby giving rise to a private right of action.

10 29. As a result of Defendants' violation of 47 U.S.C. §553, Plaintiff is entitled to
11 damages in an amount, in the discretion of this Court, of up to the maximum amount of
12 \$60,000.00, plus the recovery of full costs, interest and reasonable attorney's fees.

13 30. Without further Discovery from and/or admission by Defendants, Plaintiff
14 cannot determine if Defendants intercepted Plaintiff's signal via a cable system, in violation
15 of 47 U.S.C. §553, or via a satellite transmission, in violation of 47 U.S.C. §605. As such,
16 Plaintiff is alleging two (2) counts in its Complaint. Plaintiff recognizes that Defendants can
17 be liable for only (1) of these statutes.

18 WHEREFORE, Plaintiff requests that judgment be entered in its favor and against
19 each Defendant herein, granting to Plaintiff the following:

20 (a) A finding that each Defendant's unauthorized exhibition of the
21 November 21, 2009, UFC 106: Ortiz v. Griffin 2 Broadcast violated the Federal
22 Communications Act and that such violations were committed willfully and for purposes of
23 each Defendant's direct or indirect commercial advantage or for private financial gain; and

24 (b) On the first cause of action, statutory penalties in an amount, in the
25 discretion of this Court, of up to the maximum amount of \$110,000.00 as to each Defendant
26 for its willful violation of 47 U.S.C. §605 (a).

27 (c) On the second cause of action, statutory penalties in an amount, in the
28 discretion of this Court, of up to the maximum amount of \$60,000.00 as to each Defendant
for its violation of 47 U.S.C. §553; and

(d) Attorney's fees, interest, and costs of suit as to each Defendant pursuant to 47 U.S.C. §605 (e) (3) (B) (iii) or §553 (c) (2) (C), together with such other and further relief as this Court may deem just and proper.

COUNT III

CONVERSION

31. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs 1-30, inclusive, as though set forth herein at length.

32. By its acts as aforesaid in intercepting, exhibiting, publishing, and divulging the Broadcast at the above-captioned address, the aforementioned Defendants, tortuously obtained possession of the Program and wrongfully converted it to its own use and benefit.

33. The aforesaid acts of the Defendants were willful, malicious, and intentionally designed to harm Plaintiff Joe Hand Promotions, Inc., and to subject said Plaintiff to economic distress.

34. Accordingly, Plaintiff Joe Hand Promotions, Inc. is entitled to both compensatory, as well as punitive damages, from the aforementioned Defendants as the result of the Defendants' egregious conduct and conversion.

WHEREFORE, Plaintiff requests that judgment be entered in its favor and against each Defendant herein, granting to Plaintiff the following:

(a) A finding that each Defendant's unauthorized exhibition of the November 21, 2009, UFC 106: Ortiz v. Griffin 2 Broadcast violated the Federal Communications Act and that such violations were committed willfully and for purposes of each Defendant's direct or indirect commercial advantage or for private financial gain; and

(b) On the first cause of action, statutory penalties in an amount, in the discretion of this Court, of up to the maximum amount of \$110,000.00 as to each Defendant for its willful violation of 47 U.S.C. §605 (a); and

(c) On the second cause of action, statutory penalties in an amount, in the discretion of this Court, of up to the maximum amount of \$60,000.00 as to each Defendant for its violation of 47 U.S.C. §553; and

(d) On the third cause of action, compensatory damages in an amount according to proof against Defendants; and

1 (e) Attorney's fees, interest, and costs of suit as to each Defendant pursuant
2 to statute(s) including 47 U.S.C. §605 (e) (3) (B) (iii) or §553 (c) (2) (C), together with such
3 other and further relief as this Court may deem just and proper.

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5 DATED: New York, New York
6 March 28, 2011

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8 **DAVOLI LAW FIRM**

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10 BY:  _____

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